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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,685	01/12/2001	Wen-Pin Lin	3	2637

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LUCENT TECHNOLOGIES INC.  
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HOLMDEL, NJ 07733

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/759,685

Applicant(s)

LIN, WEN-PIN

Examiner

Charles R Craver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Byrne et al in view of Feuerstein.

**Claim 1:** O'Byrne discloses a method for displaying in real-time the levels of parameters at a base station in a CDMA telecommunications network including at least one mobile terminal (col 2 line 59-col 3 line 18), comprising

obtaining the current level and/or state of said parameters, and

displaying the current levels/states to show them in real time (col 4 lines 3-56, col 3 lines 24-54), thus showing if a less-than-optimum operating condition is occurring.

O'Byrne fails to disclose that the power control signal is displayed along with a threshold, or that the base station controls a number of cells.

Feuerstein discloses that the parameters such as those taught by Tayloe for use in optimizing the performance of a Base Station can include a power control signal level and its associated threshold (col 2 line 60-col 3 line 17, col 8 lines 11-38).

Therefore, given O'Byrne's disclosure of a number of different parameters, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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add the power control signal and threshold as suggested by Feuerstein, in order to provide a more comprehensive picture of the Base Station operating state. Further, the use of microcells was notoriously well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that it would have been further obvious to one of ordinary skill in the art to add such a feature as it would allow the method to operate in popular hierarchical systems employed at the time.

**Claims 2-5:** the step of displaying the level and thresholds as a marked and/or colored line would have been an obvious routine engineering decision based on the ergonomic design of the display, and thus would have been an obvious modification to one of ordinary skill in the art.

**Claim 7:** O'Byrne discloses a method for displaying in real-time the levels of parameters at a base station in a CDMA telecommunications network including at least one mobile terminal (col 2 line 59-col 3 line 18), comprising

obtaining the current level and/or state of said parameters, and

displaying the current levels/states to show them in real time (col 4 lines 3-56, col 3 lines 24-54), thus showing if a less-than-optimum operating condition is occurring.

O'Byrne further discloses gathering subsequent data and displaying it as well (FIG 4), which would thus show if the particular parameter is increasing or decreasing.

O'Byrne fails to disclose that the power control signal is displayed along with a threshold, or that the base station controls a number of cells.

Feuerstein discloses that the parameters such as those taught by O'Byrne for use in optimizing the performance of a Base Station can include a power control signal level and its associated threshold (col 2 line 60-col 3 line 17, col 8 lines 11-38).

Therefore, given O'Byrne's disclosure of a number of different parameters, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the power control signal and threshold as suggested by Feuerstein, in order to provide a more comprehensive picture of the Base Station operating state. Further, the use of microcells was notoriously well-known at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that it would have been further obvious to one of ordinary skill in the art to add such a feature as it would allow the method to operate in popular hierarchical systems employed at the time.

**Claims 8-10:** the step of displaying the level and thresholds as a marked and/or colored line would have been an obvious routine engineering decision based on the ergonomic design of the display, and thus would have been an obvious modification to one of ordinary skill in the art.

***Allowable Subject Matter***

3. Claims 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 11 and 12 teach towards a Base Station signal diagnostic display system which measures in real-time the level of the power control signal from the Base

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Station and plots said signal versus its threshold as a line showing the level and a marking showing the threshold including upper and lower thresholds, and wherein the line comprises a first part showing the real-time level of the signal and a second dotted part increases and decreases in length to show that the level is increasing or decreasing.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yost et al and Minde discuss quality parameter measurements.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

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Hand delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington VA, sixth floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver  
19 April 2004

*Wh 4-19-04*  
**CHARLES CRAVER**  
**PATENT EXAMINER**